

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TAMAR OSHER	)
	)
v.	) NO. 2:08-0031
	) JUDGE CAMPBELL
ANN JARED, et al.	)

ORDER

Pending before the Court, among other things, are two related Reports and Recommendations from the Magistrate Judge (Docket Nos. 69 and 90) and Plaintiff's objections thereto (Docket Nos. 74, 75 and 94).<sup>1</sup>

The Court has reviewed the Reports and Recommendations, Plaintiff's objections, and the file. Plaintiff's objections are overruled, and the Reports and Recommendations (Docket Nos. 69 and 90) are adopted and approved.

Accordingly, the Motion to Dismiss filed by Defendants State of Tennessee, Tennessee Department of Human Services, Moccasin Bend Mental Health Institute, Dr. Gangavarapu, Dr. Holmes and Dr. Lowe (Docket No. 21) is GRANTED, and all claims against these Defendants are DISMISSED. The Court notes that Plaintiff voluntarily dismissed her claims against the State of Tennessee and the Tennessee Department of Human Services. Docket No. 74.


In addition, Plaintiff's Motion to Amend Complaint (Docket No. 74) is DENIED. As noted by the Magistrate Judge, Plaintiff cannot possibly amend her Complaint in order to change the fact

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<sup>1</sup> Although Plaintiff does not title these documents as Objections, the Court deems them to be objections to the Reports and Recommendations in light of the arguments presented therein.

that Moccasin Bend Mental Health Institute is a state mental health facility, so her proposed amendment would be futile.<sup>2</sup>

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The Court also notes that, even if Plaintiff's Motion to Amend Complaint were granted and the Court were to find that Moccasin Bend Mental Health Institute were not a state entity, all claims against Defendant Moccasin Bend Mental Health Institute would then be dismissed, since a plaintiff may not bring claims under 42 U.S.C. § 1983 against parties which are not state actors.